IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 2067 of 2007()

CRIME NO.147/07 OF CHAVARA POLICE STATION

: PETITIONERS/ACCUSED

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1. SURESH @ KAKKA SURESH, S/O. RAJAN,
VATHISSERIL VEEDU, KULANGARA BHAGOM,
CHAVARA.

2. RATHEESH, S/O. SAHADEVAN,
REKHALAYAM, KULANGARA BHAGOM, CHAVARA.

3. JOY @ XAVIER, S/O. EDWIN DELCOTT,
JOY LAND, KULANGARABHAGOM, CHAVARA.

4. YESUDAS @ MOTTA RAJESH, S/O. FREDDY,
"MERY LAND", KULANGARABHAGOM, CHAVARA.

5. SABU, S/O. SABU,
SHIBU BHAVANAM, KULANGARABHAGOM, CHAVARA.

6. SEBASTIAN, S/O. EDWIN DELCOTT,
JOY LAND, KULANGARABHAGOM, CHAVARA.

7. AJI, S/O. MANIRAJAN,
AJI BHAVANAM, KULANGARABHAGOM, CHAVARA.

8. SHIBU, S/O. BABU,
SHIBU BHAVANAM, KULANGARABHAGOM, CHAVARA.

9. JAYAPRAKASH, S/O. K.G.DAMODARAN,
"REVATHY", KULANGARABHAGOM, CHAVARA.

10. MAHESH, S/O. CHELLAPPAN,
AKKAL KIZHAKKATHIL, KULANGARABHAGOM, CHAVARA,
KOLLAM.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2067 OF 2007

Dated this the 11th day of April, 2007

O R D E R

Petitioners, who are accused Nos.1 to 10 in Crime No.147/07 of Chavara Police Station for offences punishable under sections 143, 147, 148, 447, 324, 294(b) and 326 read with section 149 IPC, seek anticipatory bail.

2. The occurrence took place at about 6 p.m. on 5.3.07 in which the petitioners are alleged to have attacked three persons with iron rods.

3. Learned Public Prosecutor opposed the application.

4. It is revealed that there is a counter case arising from the same occurrence and registered by the very same police as Crime No.145/07 for offences punishable under sections 452, 324, 427 and 294(b) read with section 34 IPC where also the petitioners herein are alleged to have sustained injuries. In as much as the weapon of offence has not been recovered by the police, I am not inclined to grant anticipatory bail to the petitioners. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate having jurisdiction. Accordingly, the

petitioners are directed to surrender before the Investigating Officer on any day between 18.4.2007 and 20.4.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall release the petitioners on bail on appropriate conditions including one ensuring that they will not commit any offence while on bail.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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